



IT IS ORDERED as set forth below:

Date: March 26, 2015

James R. Sacca
U.S. Bankruptcy Court Judge

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE)	CHAPTER 13
)	
EMANUEL CLARK,)	CASE NO. 15-51966-JRS
)	
DEBTOR.)	

**ORDER DISMISSING CHAPTER 13 CASE
PURSUANT TO 11 U.S.C. SECTION 105(a), 109(g) AND 349(a)**

Hearing on the Chapter 13's Trustee's Motion to Dismiss Case with Prejudice came before the Court on March 19, 2015 at 2:00 p.m. At the hearing, counsel for Trustee appeared and was heard. The Debtor did not appear.

In support of his request to dismiss this case with prejudice, the attorney for the Trustee showed the Court the following:

Exhibit 1

Debtor has filed seven (7) previously unsuccessful recent Chapter 13 cases: Case Number 04-76132, filed October 1, 2004, and dismissed prior to confirmation December 7, 2004; Case Number 04-78077, filed November 1, 2004, and dismissed prior to confirmation on January 13, 2005; Case Number 05-63865, filed February 28, 2005, and dismissed prior to confirmation May 13, 2005; Case Number 05-74086, filed August 2, 2005, and dismissed prior to confirmation pursuant to 11 U.S.C. § 109(g) on October 21, 2005; Case Number 06-63832, filed April 4, 2006, and dismissed prior to confirmation on June 16, 2006; Case Number 09-89073, filed on November 2, 2009, and dismissed prior to confirmation December 28, 2009; and Case Number 13-62443, filed June 4, 2013, and dismissed prior to confirmation June 20, 2013.

In filing these seven (7) previous cases, as well as the instant case, the Debtor used five (5) different social security numbers and reported to the Court under penalty of perjury that he has filed no prior bankruptcy cases. Dismissal under Section 109(g) is appropriate to curb abusive filings. *See In re McCoy*, 237 B.R. 419 (Bankr. S.D. Ohio 1999) and *In re Millers*, 90 B.R. 567 (Bankr. S.D. Fla. 1988).

In the instant case, Debtor failed to file Plan or Schedules, did not appear at the Section 341 Meeting of Creditors and has taken no other action to prosecute a Chapter 13 case.

Such failure represents an unreasonable and prejudicial delay in protecting the rights and interests of the estate and Debtor's creditors. The court finds that based on the entire record and the circumstances of this case, Debtor has willfully failed to properly prosecute this case. Further, from the record in these eight (8) cases, it appears that the Debtor is abusing the bankruptcy process; accordingly, it is hereby

ORDERED that Trustee's request to dismiss this case pursuant to 11 U.S.C. Sections 105(a), 109(g), 349(a) is **GRANTED**; Debtor is hereby ineligible to file a case under Title 11 of the United States Bankruptcy Code for a period of twenty (20) years from the date of entry of this Order.

The Clerk of Court is directed to serve notice of this Order on Debtor, and all creditors and parties in interest that are included on the attached distribution list.

[END OF DOCUMENT]

Prepared and Presented by:

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